THE QUEST FOR WOMEN'S RIGHTS

3 September 1991 marks the tenth anniversary of the entry into force of the United Nations* Convention on the Elimination of All Forms of Discrimination against Women—*a milestone international legal instrument in the quest for women's rights.

Since its inception, the United Nations has been a champion of the principle of equality "without distinction as to race, sex, language or religion" (United Nations Charter, 1945). It has played a decisive role in two vital areas: *de jure* equality through the creation of an international legal framework and *de facto* equality through the raising of public awareness and the commitment to change long-ingrained traditions and attitudes which prolong discrimination. With the achievement of gender equality, the world will have undergone a major social transformation.

Within the United Nations, the task of guiding this monumental social re-structuring is entrusted primarily to two bodies: one is the *Commission on the Status of Women*, established in 1946 as one of the UN's first commissions; the other is the *Committee on the Elimination of Discrimination against Women*, created in 1982 to monitor compliance with the Convention adopted in 1979. Although there is inevitably some overlap on the issues addressed by these two bodies, their respective mandates, composition and responsibilities are quite distinct.

UN COMMISSION ON THE STATUS OF WOMEN: GUIDING A PEACEFUL GLOBAL GENDER REVOLUTION

The Commission on the Status of Women, established almost half a century ago, has as its mandate the preparation of reports and recommendations for the promotion of women's rights in educational, economic, social and political spheres. More recently, it has focused on ways to promote implementation of the *Nairobi Forward-looking Strategies*, a blueprint for achieving women's equality adopted in 1985 at the conclusion of the World Conference on Women in Kenya.

The Commission is not only the major intergovernmental UN policy-making body on women's issues; it also acts as a global conscience and advocate for the status of women. Delegates represent their respective Governments and membership in the Commission has increased from the 15 initial countries in 1946 to 45 in 1990, growing apace with the increasing size of the UN as well as the increasing importance of women's issues.

Over the years the Commission has dealt with an entire spectrum of issues relating to women, including their status and rights in such areas as family planning, health, education, work, and political decision-making. As such, the Commission acts as a catalyst for public opinion and simultaneously as a link to practical action at the national level. For, in the words of Margaret Anstee, Director of the United Nations Office at Vienna, "If women are to advance, there have to be national institutions . . . to watch out for women's concerns. . . . Effective international machinery is also needed, of which the Commission is a central part."

The Commission generally convenes for two weeks each year in February/March in Vienna where the Division for the Advancement of Women, the UN's substantive body on women, is located. At its last session (27 February–8 March 1991), the Commission concentrated on three priority themes: vulnerable women, including migrant women; national machinery, including non-governmental organizations, designed to facilitate the integration of women into the development process; and refugee and displaced

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women and children. It examined practices which have persistently thwarted attempts to eradicate gender discrimination and found, for example, that:

- Beginning with childhood, girl children are disadvantaged. According to UNICEF data, 60 million girls the world over have no access to primary schooling and there is increasing evidence of sex bias in health care and nutrition;
- In Thailand, the number of females, some of them no more than 12 years of age, being lured or forced into prostitution continues to increase with the flourishing trade in sex tourism;
- In the Asia-Pacific region, two out of every three women are illiterate and even when women manage to secure entry into the paid work force, their wages are, on average, only two-thirds those of men for work of equal value;
- World-wide, some 80 per cent of the estimated 15 million or more refugees are women and their dependants, whose plights are further exacerbated by exposure to physical abuse, violence, rape, abduction, prostitution, even murder;
- Economically, women in developing countries are extremely vulnerable to the effects of structural adjustment policies, which usually involve radical cuts in social expenditures; even in so-called "developed countries" there is a well documented trend towards the "feminization of poverty".

Yet, as Uganda's representative to the Commission, Miria Matembe, argued, "Women's issues are not only a question of equality but are also a question of good economics" since the whole social fabric is undermined by endemic poverty.

In 1992, the Commission will turn its attention to other pressing issues, namely: the elimination of *de jure* and *de facto* discrimination against women; women and the environment; the integration of women in the development process; and women's participation in international peace and disarmament efforts.

CEDAW: SENTINEL AGAINST GENDER DISCRIMINATION

The Committee on the Elimination of Discrimination against Women—"CEDAW" for short—is the second major UN body dealing with women's issues. It was created in 1982 to monitor compliance with the *Convention on the Elimination of All Forms of Discrimination against Women*, which was adopted on 18 December 1979 and entered into force on 3 September 1981.

This Convention is the single most authoritative legal document to emerge from the United Nations Decade for Women (1976-1985). It sets standards for countries to improve the conditions under which women live and work. Its 30 articles cover civil, political and reproductive rights. As international instruments go, the Convention has an impressive "track record", having been ratified by the majority of UN Member States (106 out of 159) as of June 1991.

According to Justice Elizabeth Evatt of Australia, Chairperson of CEDAW in 1989-1990, the Convention *has* made a difference in women's lives in the decade since its adoption. "The Convention is a tool which has to be used by people who believe in its principles. It's there, it's available for women's organizations . . . to take up and use in putting pressure on governments, it's there for the Committee to use in its discussions with governments. Of course, we can't wade into a country and make changes there but we can exert our influence, express our views and hope that they will be taken up." Justice Evatt cautioned, however, that progress was slow and that the Committee was aware that its principal reponsibility was to be supportive of change that was already being initiated by local women's groups rather than to act as an instrument to impose change from above.

Thus, the mandate of the Committee is far more specific and legal in nature than the broad-

based mandate of the Commission. In keeping with its "watchdog" function, the Committee is composed of 23 experts "of high moral standing and competence" who are elected on a rotating basis for four-year terms. The fact that these experts act in their individual capacities as jurists, lawyers, diplomats, teachers and women's rights activitists rather than as government delegates makes the deliberations of this body particularly direct and dynamic.

Within one year of ratification, each State Party to the Convention is obliged to submit an initial report which provides a comprehensive description of the situation of women within that country. Committee members are free to question each State's representative, who must reply within a few days. Periodic reports from Governments must then be submitted every four years.

In 1991 the tenth session of CEDAW met from 21 January–1 February in Vienna under Chairperson Merwat Tallawy of Egypt. It heard initial reports from two countries (Burkina Faso and Italy) and second periodic reports from eight others (Austria, Denmark, Norway, the Philippines, Poland, Portugal, Rwanda and Yugoslavia.) Below is a sampling of the facts presented:

Austria
After recent elections, the percentage of women in Parliament exceeded 20 per cent for the first time in the country's history and the introduction of quotas for women in public service was being considered;

Burkina Faso
The practice of *levirate*—a custom under which a widow became the property of her deceased husband's family and was obliged to marry one of his relatives—was forbidden under a new family code;

Denmark
Women are currently entitled to 4-8 weeks fully paid maternity leave before childbirth and 24 weeks afterwards; in addition, the father is also entitled to 2 weeks leave after the birth of the child;

Italy
The Government has earmarked funds for an indemnity for housewives who are victims of accidents in the home, as well as a retirement pension for housewives;

Norway
Norway has achieved a remarkable 100 per cent literacy rate for women;

Philippines
An act has been passed to outlaw the practice of exporting "mail-order brides";

Poland
The new Government's Plenipotentiary for Women's Affairs intends to create a Centre of Information and Legal Guidance for Women to improve their legal literacy;

Portugal
In 1986/87, women constituted more than half (53 per cent) of all university graduates; moreover, 10.5 per cent of diplomats, 14.2 per cent of judges and 26.7 per cent of public attorneys were women;

Rwanda
Enjoying the distinction of being the first African country to ratify the Convention, Rwanda's Government is presently developing a new family code under which women would be assured of *de jure* equality with men in all matters;

Yugoslavia
For the first time the 1991 National Survey will include gender-disaggregated statistics to examine the obstacles to women's advancement in various areas.

Indeed, experts reiterated the need for more gender-disaggregated statistical data. They also pressed for details on how previous recommendations had been carried out, and for realistic accounts of the actual situations of women in the reporting countries. Finally, they decided to consider

reports from El Salvador, Honduras, Nicaragua, Romania, Sri Lanka, Spain, Venezuela and Yemen at the next session of CEDAW to be held from 21–30 January 1992 in New York.

All told, since its inception in 1982, CEDAW has examined more than 80 reports submitted by States Parties. Each year, it focuses on selected themes:

1991
Women and Work (Articles 2, 3, and 11) dealing with unpaid women workers in rural and urban family enterprises, the quantification of unpaid domestic activities and their reflection in countries' GNPs, and equal access for disabled women to health services, education and employment;

1992
Violence against women (including sexual harassment, sexual exploitation and other areas covered by Article 6 of the Convention) in anticipation of the 1993 World Conference on Human Rights;

1993
The Family (Articles 9 and 16) in anticipation of the International Year of the Family in 1994;

1994
Equality in Political Participation and Public Life (Articles 7 and 8) as a prelude to the 1995 World Conference on Women.

Building on a decade of achievements, CEDAW can look back with pride at its success in establishing a pattern of legal activism which has resulted in measurable change in the lives of women the world over. It has not only scrutinized adherence to the letter and spirit of the Convention; it has also exposed violations of the law and examined obstacles to its implementation, and it has proposed pragmatic means of improvement. According to Chafika Sellami-Meslem, Director of the UN Division for the Advancement of Women, the Committee has earned "international recognition as a result of the serious nature of its work" in representing the "hopes of women all over the world."

But the Committee is also looking forward. In fact, it seems to have arrived at a threshold in its evolution. In 1991 collective consensus was reached that the time has come for a more ambitious programme. CEDAW is coming of age.

PARTNERS FOR PROGRESS ON WOMEN'S RIGHTS

The Commission and the Committee constitute two integral pieces in the UN machinery for advancing women's rights, each with its own functional relevance and method of operation. Although there is no institutional obligation to report to one another, an unacknowledged symbiosis does exist whereby both bodies work in tandem. In this way, they each keep sight of their shared objective—enhancing the conditions of life for half of humanity.

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